IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO.767 OF 2005
IN
NOTICE OF MOTION NO.2212 OF 2005
IN
L. C. SUIT NO.2323 OF 2005

Ashok Khumchand Shah & Ors. ..Appellants.
Vs.
Municipal Corporation of Greater Mumbai ..Respondent.
...
Ms. Kinjal Haria h/f Mr. J.S. Kini for the Appellants.
Ms. Geeta Jogalekar for the BMC.
....

CORAM : DR.D.Y.CHANDRACHUD, J.

16th November, 2005.

P.C. :

The Motion before the City Civil Court is for an order of injunction restraining the Municipal Corporation from demolishing/ pulling down or removing any part of the M.S. grills, in pursuance of notices issued on 20th May, 2005 and orders of the Assistant Municipal Commissioner dated 8th June, 2005. While declining ad interim relief, the Trial Judge noted that the grills had already been removed. Consequently, an order of injunction could not be

passed. Counsel appearing for the Appellants states that as a matter of fact, the grills are not in existence at the present point of time and that they have already been removed. In that view of the matter, there is no question of the grant of any ad interim relief against the removal of grills and the ad interim relief was correctly refused. There is no merit in the Appeal which is accordingly dismissed.